

HB 445

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Chairman Steinbeisser and committee members:

I am a farmer that farms near Dutton, Montana.

I support this bill. 1st. It sets a standard procedure to sample crops that meets the need of both farmers and the seed companies. 2nd. it allows the Montana farmer not to incur the cost of out of state court proceedings. Montana courts are capable of handling problems which arise within the State of Montana. This bill is not about GMO crops. It is about basic rights of someone accused of a crime.

During testimony in the House I heard the accusation, that if someone comes to your door unannounced and wants to sample your crops, if you refuse you are most likely guilty. Innocent people have no problem letting people go wandering around their farm. Not so! My family has learned that when people show up accusing you of things out of the blue they do not mean you well. The cost of defending yourself, even in a Federal court in Montana can break a farm, innocent or not. The simple process of being informed in writing of an accusation of wrong doing is only minimal due process, not an undue burden to crop breeders.

I also heard during testimony in the House the 5% and the 90% standard. If your field contains 5% protected traits it may be inadvertent, but if there are 90% protected traits in the field it is deliberate. This is not always true. There are many ways a field may contain a huge amount of protected traits without there being an intentional wrongdoing. I have three times raised 100% volunteer winter wheat crops because I was hailed out the previous year on those fields and I left the volunteer go to harvest the next year. We have all heard of the sawfly. The amount of seeds left on the ground from sawfly could easily cause a field to test well above the 5% standard. What may seem wrong at first glance may have a totally innocent explanation.

Please support HB 445.